

### **REMARKS**

The Office Action mailed October 29, 2008 has been reviewed and carefully considered and entry of this Amendment is respectfully requested.

Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested

Claims 1, 3-12 and 14-22 are pending and stand rejected.

Claims 1, 15 and 19 have been amended. Claim 11 and 14 has been cancelled.

Claims 1, 15 and 19 are independent claims.

The Specification stands objected to for failing to include page 20. Claim 19 stands objected to for containing a grammatical error. Claims 1, 15 and 19 stand rejected under 35 USC 112, second paragraph. Claims 1, 3-12, 14, 17, 18 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Rapaport (USP no. 5, 890, 152) in view of Freeman (USP no. 5, 861, 881) and further in view of Lang (USP no. 6, 314, 420). Claims 15, 16, 19 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Rapaport in view of Lang.

In maintaining the rejection of the claims, the Office Action introduces Lang to show that the deficiencies of Rapaport in relation to implicit filtering are obvious.

With regard to the objection to the Specification, applicant submits herewith a copy of page 20 of the instant application. No new matter has been added. To support the submission of the page 20 and show continuity, applicant has provided the previous paragraph from page 19 through the first full paragraph on page 21.

With regard to the objection to claim 19, applicant has amended the claim 19 to remove the term "with" as suggested by the Office Action.

With regard to the rejection of claims 1-22 under 35 USC 112, second paragraph, applicant has elected to amend the independent claims 1, 15 and 19 to recite the subject matter claimed in better form. More specifically, claims 1, 15 and 19 have been amended

to recite "provides filtering of information from said plurality of different media collections."

With regard to the rejection of claims 1, 3-12,-14, 17, 18 and 21 under 35 USC 103(a) as being unpatentable over Rapaport (USP no. 5,890,152) in view of Freeman (USP no. 5, 861, 152) and further in view of Lang (USP 6, 314, 420), applicant respectfully disagrees and explicitly traverses the rejection of the claims.

However, independent claim 1 has been amended to further recite a prioritizing step and an updating step that updates the user profile based on at least one selection of the filtered results and is reflected as a ratio in responding to the user's choices or requests. Similar amendments have been made to claims 15 and 19. No new matter has been added. Support for the amendment may be found in claims 11 and 14 and at least on page 16, lines 8-20 and page 19, lines 4-7.

Rapaport discloses a personal feedback browser and personal profile database wherein the browser selects media files based on user-specified information. Rapaport further discloses an evaluation software program for evaluating media files based on the personal profile database and that the personal profile data based is adjusted based on user selection and absorption of the media files.

Freeman discloses an interactive computer system that operates on a computer network. Subscribers interact with a fully interactive program through the use of input devices and a personal computer or television. Freeman is recited for teaching that the information for a media collection may be obtained from a broadcasted television signal.

Lang discloses a search engine for a portal site employing a regular search engine to make one-shot or demand searches for information entities which provide at least threshold matches to user queries. The search engine system also employs a collaborative/content-based filter to make continuing searches for information entities which match existing wire queries and are ranked and stored over time in user-accessible system wires corresponding to the respective queries. A user feedback system provides collaborative feedback data for integration with content profile data in the operation of

the collaborative/content-based filter.

However, neither Rapaport, Freeman nor Lang teach or suggest using a ratio to update the user profile as is now recited in the claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Rapaport, Freeman, and Lang as neither reference discloses or suggests an updating step as is recited in the claims.

For the amendments made to the independent claim 1 and for the remarks made herein, applicant submits that the combination of Rapaport, Freeman and Lang fails to include all the elements recited in the claims. Accordingly, the subject matter recited in the independent claims is not render obvious. Applicant respectfully requests that the rejection be withdrawn and the independent claims allowed.

With regard to the rejection of the remaining claims, these claims depend from independent claim 1, and, hence, these claims are not rendered obvious by the combination of Rapaport and Freeman, for at least their dependency upon an allowable base claim.

Claims 15, 16, 19 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Rapaport in view of Lang.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, independent claims 15 and 19 have been amended to further recite a prioritizing step and an updating step wherein the updating step updates the user profile based on at least one selection of the filtered results and is reflected as a ratio in responding to the user's choices or requests, as described with regard to claim 1. As discussed above, neither Rapaport nor Lang teach or suggest using a ratio to update the user profile as is now recited in the claims.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of the remaining claims, these claims ultimately depend from the independent claims and, thus, the remaining dependent claims are also allowable by virtue of their dependence from an allowable base claim, without arguing the merits of each claim individually.

For all the foregoing reasons, it is respectfully submitted that all the claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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